LOS ANGELES COUNTY DISTRICT ATTORNEY
CHARGE EVALUATION WORKSHEET

X FELONY MISDEMEANOR	AGENCY NAME LASD - INTERNAL CRIMINAL AGENCY FILE NO. (DR OR URN) 911-00032-2003-441	DA CASE NO. 33459327 DA OFFICE CODE J.S.I.D. #11-0685R	DATE 08/23/2013 VICTIM ASSISTANCE REFERRAL ☐ YES – NOTIFY VWAP ☐ NO

SUSP NO.	SUSPECT	CODE	SECTION	OFFENSE DATE	REASON CODE
1	NAME (LAST, FIRST MIDDLE)) GONZALEZ, JUDITH	PC	245(B)	10/14/2011	B
		PC	246.3(A)	10/14/2011	B
	DOB [redacted] SEX (M/F) F BOOKING NO.	VIP -- Yes X No			
	___ Gang Member Name of Gang	___ Victim Gang Member Name of Gang:			
	Victim Name:	Victim DOB:			
2	NAME (LAST, FIRST MIDDLE)) [redacted]	PC	243(A)	10/14/2011	B
		VC	23152(A)	10/14/2011	B
		VC	23152(B)	10/14/2011	B
	DOB [redacted] SEX (M/F) F BOOKING NO.	VIP -- Yes X No			
	___ Gang Member Name of Gang	___ Victim Gang Member Name of Gang:			
	Victim Name:	Victim DOB:			
3	NAME (LAST, FIRST MIDDLE)) [redacted]	PC	243(D)	10/14/2011	B
	DOB [redacted] SEX (M/F) F BOOKING NO.	VIP -- Yes X No			
	___ Gang Member Name of Gang	___ Victim Gang Member Name of Gang:			
	Victim Name:	Victim DOB:			

LAST NAME: GONZALEZ FIRST NAME: JUDITH DA CASE NUMBER: 33459327

Comments

SEE ATTACHED

COMPLAINT DEPUTY (print)	COMPLAINT DEPUTY (SIGNATURE)	STATE BAR NO.	REVIEWING DEPUTY (SIGNATURE)
DEBORAH A. DELPORT/ap	Deborah A. Delport	163626	[signature]

I have conveyed all relevant information to the above-named Deputy District Attorney to be used in consideration of a filing decision.

FILING OFFICER (PRINT): SGT. AMYLYNN HANSON FILING OFFICER (SIGNATURE): Mailed 8/29/13 SERIAL #: 000001

DEPARTMENT OF JUSTICE REASON CODES (FORM 8715) A. Lack of Corpus B. Lack of Sufficient Evidence C. Inadmissible Search/Seizure	D. Victim Unavailable/Declines To Testify E. Witness Unavailable/Declines to Testify F. Combined with Other Counts/Cases G. Interest of Justice	H. Other (indicate the reason in Comments section) I. Referred to Non-California Jurisdiction J. Deferred for Revocation of Parole K. Further Investigation	L. Prosecutor Prefiling Deferral *DISTRICT ATTORNEY'S REASON CODES* M. Probation Violation filed in lieu of N. Referred to City Attorney for Misdemeanor Consideration

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the allegation that Los Angeles County Sheriff's Department Deputy Judith Gonzalez committed the crimes of assault with a semiautomatic firearm and negligent discharge of a firearm in violation of Penal Code sections 245(b) and 246.3(a). For the reasons set forth below, this office declines to initiate criminal proceedings.

FACTUAL ANALYSIS

On October 14, 2011, at approximately 3:00 a.m., Deputies Gregoria Martinez, James Velasquez and Christopher Trujillo responded to the La Mirada Regional Park regarding a call of shots fired. The deputies observed a silver Volkswagen Jetta stopped in the middle of the parking lot. A female, later identified as off duty Sheriff's Deputy Judith Gonzalez, was seated on the ground next to the open driver's door. A second female, later identified as off duty Sheriff's Deputy [redacted] was seated in the driver's seat with her feet outside the driver's door.

Martinez approached Gonzalez and reached down to assist her to her feet. Martinez observed a silver handgun lying on the ground in front of Gonzalez and advised Velasquez of the weapon. Velasquez retrieved the gun and placed it into his patrol car.[1] Martinez also observed two 9mm casings near where Gonzalez was seated. Gonzalez immediately advised Martinez that she was a deputy sheriff. Gonzalez' face was bloody and her nose was bleeding. Martinez detained Gonzalez while Velasquez called for a rescue ambulance. Meanwhile, Trujillo contacted [redacted] who also advised that she was a deputy sheriff.[2]

Statement of Judith Gonzalez to Deputy Martinez

Gonzalez told Martinez that "[redacted] assaulted me." [redacted] was a friend of [redacted] who "was beating me up and I tried to help [redacted] and I shot at [redacted]" Martinez noticed that Gonzalez was visibly intoxicated. Gonzalez slurred her words and did not make sense. Martinez had to go step by step with her to obtain the following information:

Gonzalez [redacted] and [redacted] went drinking at several local bars.[3] They left the last bar in [redacted] Jetta with [redacted] driving. They were going to drop [redacted] off when an argument ensued between Gonzalez and [redacted] She could not recall what the argument was about. [redacted] suddenly stopped the car and exited. Gonzalez and [redacted] "started fist fighting." Gonzalez tried to defend herself by hitting [redacted] back. [redacted] got the upper hand in the fight and started to beat up Gonzalez. [redacted] got out of the car and stepped in between them. [redacted] stopped assaulting Gonzalez and hit [redacted] several times. Fearing for her safety, and the safety of [redacted] Gonzalez retrieved her off duty firearm from the glove compartment of the Jetta. She had put it there when [redacted] picked her up from her house.

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[1] The weapon was a Smith and Wesson, model CS9, semiautomatic firearm. One round was in the chamber and 5 rounds were in the magazine.
[2] Gonzalez and [redacted]re Los Angeles County deputy sheriffs assigned to the East Los Angeles Sheriff Station.
[3] [redacted]s also a deputy sheriff. She is assigned to the Norwalk Sheriff Station.

Gonzalez pointed the gun in the direction of [redacted] and [redacted] and fired. She fired with the intent to stop [redacted] from assaulting [redacted] After Gonzalez fired her weapon, [redacted] left in an unknown direction. Gonzalez could not remember where [redacted] and [redacted] were fighting when she shot in their direction.

Gonzalez was transported to Whittier Presbyterian Hospital. Gonzalez sustained a broken nose and a laceration to the bridge of her nose. There was bruising under both eyes with some swelling under her left eye. In addition, Gonzalez sustained numerous bruises and abrasions to her arms, elbows, knees, legs and back. She also had red bruising to the left side of her neck.

Statement of [redacted] to Deputies Trujillo and Martinez

Trujillo contacted [redacted] while she was still seated in the Jetta. He asked her what had happened prior to their arrival. [redacted] said she did not know. [redacted] was detained in a patrol car. Trujillo recontacted [redacted] and asked her again what happened. She stated that Gonzalez and [redacted] were fighting and [redacted] ran away. He asked [redacted] if any gunshots were fired and she stated that she did not know. He described [redacted] as cooperative but reluctant and detected the odor of alcohol coming from her person. She refused any medical treatment. Trujillo did not speak with Gonzalez but observed that she was crying and that she did not appear to be angry.

Martinez also spoke to [redacted] Martinez noted that [redacted] eyes were bloodshot and watery and she had a strong odor of alcohol emitting from her. She appeared to be under the influence of alcohol, but not as intoxicated as Gonzalez [redacted] stated that they were on their way to drop off [redacted] when [redacted] got angry with Gonazlez. She does not remember who was driving or where she was seated. The car stopped and Gonzalez and [redacted] began to fight. [redacted] tried to stop the fight and ended up on the ground but does not remember how it happened. [redacted] could not provide any further detail. Martinez believed that [redacted] was being evasive and did not want to tell her everything that had happened.

[redacted] had an abrasion and large bruise to the back of her left elbow, an abrasion to her lower left jaw and knees and numerous bruises to her arms and legs.

At 5:46 a.m., Velasquez administered a breath test to Gonzalez. Her blood alcohol level was .157%.

At 9:45 a.m., blood was drawn from Gonzalez at the hospital and subsequently analyzed by hospital staff. At that time, Gonzalez blood alcohol level was .115%.

At 7:12 a.m., [redacted] was administered a breath test. Her blood alcohol level was .08%.

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[4] It is unclear whether she and Trujillo spoke to [redacted] together or separately.

Statement of [redacted]

[redacted] lives south of the La Mirada Regional Park parking lot. On October 14, 2011, at approximately 3:00 a.m. [redacted] was awakened by the sound of tires skidding. He looked out his front window and saw a small gray car driving erratically through the parking lot. The car skidded to a stop. [redacted] did not see anything else occurring so he went back to bed. Five minutes later, he heard two gunshots approximately ten seconds apart.

Statement of [redacted]

[redacted] is the [redacted] caretaker of a cemetery which borders the park. On October 14, 2011, at approximately 2:30 a.m., [redacted] heard what he believed to be two gunshots in close succession. He tried to go back to sleep but heard a female voice continuously state, "Fucking bitch, fucking bitch, fucking bitch." [redacted] described the person's demeanor as somewhat belligerent. [redacted] grabbed his binoculars and went out to his front porch. Using the binoculars, he observed a female sitting on the pavement next to a silver Jetta. A second female was seated in the driver's seat. The second female continuously went back and forth from the interior of the car to the trunk. He called the business line of the Norwalk Sheriff's Station at 3:09 a.m. Ten to fifteen minutes later he observed patrol cars arrive and detain the women.

Statement of Deputy Ruben Macias

On October 14, 2011, at approximately 3:20 a.m., Macias was working dispatch at the Norwalk Sheriff Station.[5] [redacted] called Macias on the station line and asked for his cell phone number. [redacted] said she wanted to speak with Macias on an unrecorded line. [redacted] called Macias back on his cell phone and asked him to pick her up at Los Angeles County Fire Station 49 in the City of La Mirada. He told her could not because he was working dispatch. [redacted] insisted and stated that her friends had shot at her. Macias responded, "Your friends shot at you?" Lieutenant Frank Rivera overhead Macias and asked if he was speaking to [redacted] Rivera had Macias instruct [redacted] to stay at the fire station until he and Sergeant [redacted] met her there.

Statement of [redacted] to Sergeant [redacted] and Lieutenant Frank Rivera

[redacted] and Rivera responded to Fire Station 49 and contacted [redacted] was crying and appeared distraught. [redacted] stated that she went to a few local bars with [redacted] and Gonzalez. After closing, they drove to the La Mirada Regional Park parking lot. She and Gonzalez got out of the car. Gonzalez began "acting up" and [redacted] attempted to hold her down by sitting on her. [redacted] was asked what she meant by "acting up." While she repeated the statement numerous times, she never provided a description of how Gonzalez was behaving. [redacted] joined in the fight at some point and began hitting [redacted] observed Gonzalez walk to the car and arm herself with a handgun. Gonzalez walked

[5] Macias knows [redacted] from working together at the Norwalk Sheriff Station.

toward her with the gun. [redacted] became frightened and began running through the parking lot. [redacted] heard two gunshots after running approximately 15 feet. She heard the rounds go by her as she fled. In fear for her life, she ran to the nearby fire station for help.

[redacted] had a bite mark to her left cheek and an abrasion to her lower left jaw. She also sustained numerous bruises and abrasions to her arms, elbows, legs, knees and left hip.

At 5:10 a.m., [redacted] was administered a breath test. Her blood alcohol level was .11%.

Statements of Los Angeles County Fire Station 49 Witnesses[6]

At approximately 3:00 a.m., Firefighter Chris Manzanares was awakened by [redacted] who was outside the station crying and asking for help. [redacted] appeared disheveled and intoxicated. [redacted] told Manzanares that she was out drinking with friends when they started arguing. They got into a fight and one of them shot at her. At that time, the station received a call of an injured person at the park. Manzanares told [redacted] to wait at the station until they returned. He let her use the station phone and his personal cellular phone.

Station 49 personnel responded to the parking lot and observed Gonzalez seated in the back seat of a patrol car. Fire Paramedic Mike Jones heard several obscenities coming from the car. Captain Gregory Lombardo and Fire Paramedic Michael Bennett described Gonzalez as angry and irate. Lombardo heard Gonzalez tell deputies, "I hope I got that bitch" or "I hope I shot that bitch." Manzanares recalled her saying something to the effect of, "I wish I woulda shot that bitch" or "I wish I woulda hit her." Bennett recalled Gonzalez saying, "The bitch ran away." Gonzalez was treated for facial injuries and a possible broken nose.[7]

While treating Gonzalez, Manzanares realized that she was related to the incident described to him by [redacted] He advised Captain Lombardo who informed a Sheriff's Department supervisor. The firefighters and paramedics returned to the station and treated [redacted] She was still crying and appeared emotional. They observed an injury to one of her cheeks which appeared to be a bite mark. [redacted] told them that she, Gonzalez and [redacted] were arguing about their respective stations. Initially, [redacted] was only arguing with Gonzalez. The altercation escalated to a physical fight between her and Gonzalez. She was able to get Gonzalez off of her by punching her in the face. At that time [redacted] joined the fight. [redacted] got on top of [redacted] and held her down in an attempt to stop her. [redacted] observed Gonzalez go to the car and believed that she was retrieving her gun. In fear, she fled and heard gunshots coming from behind. She continued running until she arrived at the fire station.

[6] La Mirada Regional Park covers 76 acres and is owned by Los Angeles County. Fire Station 49 is located on the east side of the park.

[7] Deputies Martinez, Trujillo and Velaszquez were asked to describe Gonzalez' demeanor. They said she was crying and very emotional. They all said she was cooperative. They never said she was angry.

Formal Statement of Judith Gonzalez to Investigators

On October 14, 2011, at 5:27 p.m., Sergeants Daniel Tobin and Amylynn Hanson interviewed Gonzalez at the Norwalk Sheriff Station.[8] Earlier in the day [redacted] invited her to go drinking that night with her and [redacted] Gonzalez had hung out with [redacted] once before but did not know her well. [redacted] picked Gonzalez up in her Jetta and they met [redacted] at the first bar at approximately 10:00 p.m. [redacted] was upset about a work-related issue when she arrived. The bar closed at 11:00 p.m. so they decided to go to a second bar. [redacted] dropped her car off at a friend's house and joined [redacted] and Gonzalez in the Jetta. They left the second bar several hours later at closing. Gonzalez had four to five alcoholic drinks. She felt buzzed but was not drunk. Gonzalez did not have any problems with [redacted] before leaving the bars.

[redacted] drove [redacted] car. [redacted] was in the front passenger seat and Gonzalez was in the back passenger seat. [redacted] was driving erratically and was arguing with [redacted] The car stopped and Gonzalez walked to the driver's door. [redacted] got out of the car and began "blowing off steam." Gonzalez told [redacted] to "shut the fuck up." [redacted] punched Gonzalez in the face. Gonzalez hit her back and grabbed [redacted] hair. [redacted] threw Gonzalez to the ground on her back and got on top of her. [redacted] hit Gonzalez head against the asphalt. [redacted] held Gonzalez hands to the ground and continued to punch her in the face [redacted] grabbed at Gonzalez throat. Gonzalez began to black out as she tried to push [redacted] away with her feet. [redacted] pulled [redacted] off Gonzalez and they began to fight.

Gonzalez had blood running down her face and her head was in pain. She went to the Jetta to look for her phone and call for help. Gonzalez was unable to find the phone. She looked back and saw [redacted] on top of [redacted] and then [redacted] on top of [redacted] Gonzalez told [redacted] that she could not locate the phone. [redacted] replied, "Call somebody. Call somebody." Gonzalez panicked. She believed [redacted] was going to "fuck [redacted] up." Gonzalez retrieved her off duty gun from the glove compartment and exited the car. [redacted] was now on top of [redacted] She pointed the gun at [redacted] and said, "Get the fuck off of her." Gonzalez' intention was to frighten [redacted] away from [redacted] She believed it was the only option she had left to protect [redacted] [redacted] replied, "You're not gonna shoot me. Put it down." Gonzalez repeated, "Get the fuck off her [redacted] [redacted] told Gonzalez, "Judy, put the gun down." Gonzalez told [redacted] to get off [redacted] several more times. [redacted] then jumped off [redacted] and took several steps toward Gonzalez. Gonzalez believed that [redacted] was going to take the gun from her and either use it against them or continue to assault her. In fear for her life, Gonzalez fired one shot at [redacted] [redacted] jumped to her left but did not flee. Gonzalez feared that [redacted] was still coming after her so she fired a second shot at [redacted] to stop her. After the second shot, [redacted] ran away.

[8] Gonzalez was advised that she was being interviewed as part of a criminal investigation and was not compelled to speak with them. After waiving her Miranda rights, Gonzalez elected to speak with the investigators.

Statement of [redacted]

On November 15, 2011, [redacted] was interviewed by Sergeants Tobin and Hanson. [redacted] had known [redacted] for ten years and considered her a friend. She knew Gonzalez for many years but considered her an acquaintance rather than a friend. [redacted] had four alcoholic drinks at the two bars. There were no problems between her and Gonzalez. [redacted] drove the Jetta after they left the last bar. Gonzalez was in the front passenger seat and [redacted] was in the back seat. [redacted] drove erratically at speeds in excess of 100 miles per hour and on the wrong side of the road. It scared [redacted] so she asked to be dropped off at the La Mirada substation.[9] [redacted] stopped the car in the parking lot and all three women exited the vehicle. [redacted] was talking to [redacted] by the driver's door when Gonzalez approached them. Gonzalez was yelling and talking loudly for no reason. [redacted] told Gonzalez to "Shut the fuck up" at least 15 times. Gonzalez tried to punch [redacted] in the face but tripped and fell to the ground on her back. [redacted] straddled her and pinned her down. Gonzalez continued to yell so [redacted] put her hand over her mouth and told her to shut up.

[redacted] suddenly ran over and hit [redacted] on the right side of her head while saying, "It's all about East L.A. bitch." [redacted] grabbed [redacted] by her hair and pulled her to the ground. As [redacted] shifted her attention from Gonzalez to [redacted] Gonzalez punched [redacted] in the face. [redacted] then punched Gonzalez in the nose. Gonzalez angrily told [redacted] "Look what you did you fucking bitch," and threatened to kill her. Gonzalez bit [redacted] on the left cheek. By that time [redacted] was on top of [redacted] and trying to hold her down. Gonzalez walked to the Jetta and entered the driver's door. She heard Gonzalez yelling but could not make out what she was saying. Gonzalez leaned over toward the passenger seat. [redacted] stood up from the ground; she feared that Gonzalez was retrieving her gun. Gonzalez turned and pointed a gun at her. At that time, [redacted] was two to five feet away from [redacted] and they were no longer fighting. [redacted] said, "Fuck that" and turned around and ran. After two steps, [redacted] heard a gunshot and felt the bullet "whiz by my head." [redacted] continued running another fifteen feet in a zig zag motion and heard a second gunshot. [redacted] ran to Fire Station 49 where she sought assistance.

Statement of [redacted]

[redacted] was out with friends at a bar when he received a text from Gonzalez at approximately 11:30 p.m. She asked what time the bar closed and said she and her friends were coming over. [redacted] had known Gonzalez for approximately eight years. Gonzalez, [redacted] and [redacted] arrived shortly thereafter. He briefly talked to them then returned to his friends. He talked to them a second time before leaving. He did not notice any problems between the women. At approximately 1:30 a.m., he sent a text to Gonzalez asking if she made it home. He received several text messages in response stating that they were lost. Gonzalez seemed confused. At approximately 2:40 a.m., he received a phone call from Gonzalez' phone. A voice said, "Hey, what's going on?" The phone was then given to

[9] The substation is 390 feet south of Fire Station 49. [redacted] planned to ask someone at the station to give her a ride to her car.

[redacted] They had a brief conversation. He then heard [redacted] in the background ask, "Is that [redacted] is that [redacted] told her it was [redacted] heard a commotion in the background and heard [redacted] say, "What are you guys doing? Get back in the fucking car!" It sounded as if the phone was dropped to the floor because he could hear a commotion but no one was talking to him. He could not hear what was happening. He disconnected a short time later and never heard gunshots.

[redacted] Subsequent Criminal Case

On May 8, 2012, [redacted] was [redacted][10] [redacted] was transported to Norwalk Station for booking. At the station, Deputy Gina Ramos attempted to fingerprint [redacted] was uncooperative and screamed, "No fucking boot is gonna book me, get the fuck away from me."[11] Another deputy stepped in and completed the fingerprinting.

[redacted] was transported from Norwalk Station to Century Regional Detention Facility (CRDF). At CRDF, Deputy Elisa Duran was instructed to remove [redacted] scarf and hair band. When she attempted to remove the band, [redacted] said, "Fuck that, you're not gonna take this off me, I'm not gonna have my hair all over the place." Duran told [redacted] she could not have the band in jail. [redacted] responded, "You gonna have to take the rubber band by force then, I'll fucking kick you if you take it off." Sergeant Rosanna Taylor allowed [redacted] to temporarily keep the band in order to diffuse the situation.

Taylor instructed Duran to walk [redacted] to a cell. When Duran placed her hand on [redacted] upper arm, [redacted] said, "What the fuck are you doing?" Duran replied, "I'm not doing anything. I'm walking you to your booking cell." [redacted] said, "Get your fucking hands off me!" Duran stated, "I'm not doing anything [redacted]" [redacted] then elbowed Duran in the chest. Duran continued to escort [redacted] into the cell. [redacted] attempted to turn around and face Duran. Duran placed [redacted] against the wall. Sergeant [redacted] came into the cell and instructed Duran to release [redacted] As Duran let go of [redacted] and stepped back, [redacted] turned around and kicked Duran in the crotch. [redacted] yelled, "Fuck you Duran, you're nothing, you're just a fucking rookie, you weren't shit at CRDF. What makes you think you're gonna be shit out in patrol in Norwalk." [redacted] challenged Duran to "come back into the cell so we can take care of this, finish this off." [redacted] instructed Duran to leave the area and was able to calm [redacted]

On August 17, 2012, [redacted] was charged in [redacted] and [redacted] On March 12, 2013, [redacted]

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[10] [redacted] was not charged in the matter relating to the [redacted]

[11] "Boot" is a common police term describing an inexperienced or newly assigned police officer.

Attempts to Interview [redacted]

District Attorney Senior Investigator [redacted] contacted [redacted] and inquired whether she would be willing to be interviewed. [redacted] indicated that she would not be opposed to the interview but asked that our office make arrangements through her attorney. Two separate interviews were scheduled through her attorney. Both interviews were cancelled by her attorney. Subsequent to the last cancellation, [redacted] attorney has filed a grievance with the Sheriff's Department, unrelated to the interview attempts. [redacted] attorney is no longer willing to have his client interviewed.

LEGAL ANALYSIS

CALCRIM No. 3470

The use of deadly force in self-defense or in defense of another is justifiable if the person claiming the right actually and reasonably believed (1) that she or the person she was defending was in imminent danger of suffering great bodily injury, (2) that the immediate use of force was necessary to defend against that danger, and (3) that she used no more force than was reasonably necessary to defend against that danger.

The defendant is only entitled to use that amount of force that a reasonable person would believe is necessary in the same situation. If a defendant used more force than was reasonable, the defendant did not act in lawful self defense or defense of another.

The People have the burden of proving beyond a reasonable doubt that the defendant did not act in lawful self defense or defense of another.

CALCRIM No. 3160

Great bodily injury is defined as a significant or substantial physical injury. It is an injury greater than minor or moderate harm.

CONCLUSION

The People have the burden to prove beyond a reasonable doubt that Gonzalez did not act in lawful self-defense or defense of others when she fired her off duty weapon at [redacted] At issue is whether or not a reasonable person in Gonzalez' situation would find that she and [redacted] were in imminent danger of suffering great bodily injury, justifying the use of deadly force against [redacted]

When considering only [redacted] statement, Gonzalez actions do not appear to be either reasonable or necessary under the circumstances. According to [redacted] she was running away from Gonzalez, with her back turned, when Gonzalez fired both shots. In addition, [redacted] claimed that Gonzalez was the initial aggressor and any force that [redacted] used was to defend herself against Gonzalez and [redacted] It would, however, be difficult to convince a

jury to rely on [redacted] testimony in light of her subsequent conviction. Pursuant to Evidence Code §1103(a)(1), the defense would be able to admit the facts of [redacted] arrest and conviction to show that [redacted] is prone to violence. The jury will hear that [redacted] kicked a female deputy while in police custody. It will show [redacted] to be an aggressive individual inclined to attack without provocation. Because of her subsequent behavior, a jury is likely to believe that it was [redacted] who precipitated the events of October 14th. If the jury concludes that [redacted] was the aggressor against Gonzalez, it is likely that they will find her entire story unbelievable and she will lose any credibility.

Unlike [redacted] Gonzalez does not have any prior or subsequent incidents to show a violent character trait. Instead, the evidence shows that Gonzalez immediately asserted her claim of self-defense and defense of others in her first statement to Deputy Martinez. Gonzalez had the opportunity to provide a more detailed version of her self-defense claims when she was interviewed by investigators on the evening of October 14, 2011.

Gonzalez described [redacted] as the aggressor in a one-sided assault. [redacted] threw the first punch, pulled her to the ground and got on top of her. While Gonzalez was on her back, [redacted] slammed her head into the cement and began to choke her [redacted] continuously punched her in the face while she was in a vulnerable position. Gonzalez sustained a broken nose which could reasonably be viewed as a significant and substantial injury. It is possible that [redacted] would have inflicted further injury if [redacted] had not intervened. With blood pouring down her face and her head in pain, Gonzalez' went to the car to locate a phone and call for help. As she was looking for her phone, she heard [redacted] asking her to call somebody. Gonzalez decided to retrieve her gun when she could not find her phone. Gonzalez believed that arming herself was the only viable option she had to defend [redacted]

Gonzalez pointed her gun at [redacted] and told her to "get the fuck off of [redacted] Gonzalez' intention was to frighten [redacted] However, [redacted] was not frightened by the gun and instead stated, "You're not gonna shoot me," as she advanced toward Gonzalez. In that moment, Gonzalez feared that [redacted] was going to take the gun away and either use it against them or continue to assault them. [redacted] had broken her nose, slammed her head into the ground and attempted to choke her before [redacted] came to her aid. After Gonzalez fired the first shot, [redacted] jumped a couple feet to her left. According to Gonzalez, [redacted] made no effort to flee from Gonzalez. Given [redacted] history of violence, it is not unreasonable to believe that she would not feel intimidated by Gonzalez. Gonzalez feared that [redacted] was about to charge her again so she fired a second shot. It is possible that a reasonable person in Gonzalez' position would believe that she and [redacted] were in imminent danger of great bodily injury if [redacted] were able to take the gun from Gonzalez.

The evidence examined shows that after a night of drinking, three off-duty deputy sheriffs were involved in a verbal argument while driving home from a bar. Their car stopped in the parking lot of the La Mirada Regional Park and a verbal argument between Gonzalez and [redacted] escalated into a physical fight. During the course of their physical fight, Gonzalez sustained a broken nose, abrasions, bruises and a superficial laceration to the nose [redacted] sustained a bite to the cheek and abrasions and bruises. Their fight ended

when [redacted] intervened. At this time, Gonzalez went into the Jetta and retrieved her off-duty firearm and fired two shots at an unarmed [redacted]

The evidence is uncertain as it pertains to several important factors in this case. It is unclear who was the aggressor, how [redacted] intervened in the fight or where [redacted] was standing when the shots were fired. There is a lack of corroborating evidence to tip the scale in favor of either Gonzalez or [redacted] versions of events. The uncertainty as to what occurred that night is likely to lead to confusion in the juror's mind and result in reasonable doubt.

Based on the foregoing evaluation, there is insufficient evidence to prove beyond a reasonable doubt that Gonzalez was not acting in self defense. As such, the People are unable to prove beyond a reasonable doubt that Gonzalez committed the crimes of assault with a semiautomatic firearm and grossly negligent discharge. Therefore, we are closing our file and will take no further action on this matter.